

Before the Board of Zoning Adjustment, D. C.

Application No. 11596 of New Model Cities Housing Development Corporation pursuant to Section 8207.1 of the Zoning Regulations for a variance from the lot occupancy requirements of the R-4 District to permit subdivision and erection of four row dwellings at 1510-1518 Montello Avenue, N. E., Lots 813, 58, 807 & 808, Square 4058.

HEARING DATE: March 20, 1974

EXECUTIVE SESSION: March 26, 1974

FINDINGS OF FACT:

1. The subject property is in a R-4 District.  
(January 29, 1974 report of Deputy Zoning Administrator; testimony of Frederick B. Abramson.)

2. The subject property consists of four adjoining lots, presently all vacant at 1510, 1512, 1514 and 1518 Montello Avenue, N. E., Lots 813, 58, 807 & 808, Square 4058. (January 29, 1974 report of Deputy Zoning Administrator; testimony of Frederick B. Abramson.)

3. The property is owned by the appellant, New Model Cities Housing Development Corporation (hereinafter "NMCHDC"), a private, non-profit District of Columbia Corporation.  
(Application; testimony of Sherman J. Polley; Applicant's detailed Statement.)

4. Operating under a contract grant from the District of Columbia Model Cities Agency, NMCHDC has formulated plans for the erection of four new townhouses on the subject property. The project, which was developed in close association with citizen representatives of the community involved, is somewhat unique in that, in addition to the erection of the townhouses, there will be an accompanying loan/grant program administered by NMCHDC that will combine grants, low-interest loans and relocation payment to subsidize, up to almost \$10,000 per accepted applicant family, the purchase, rental or other occupancy of the houses to be constructed. Also involved in the project will be a program under which NMCHDC will provide rehabilitation grants or loans to other owner-occupants residing in the subject property area who wish to rehabilitate their homes. It is the hope of everyone involved -- NMCHDC, the Model Cities Agency, the citizens of the community -- that this combination of assistance in the building and purchase of new, moderate income homes on the one hand and for rehabilitation of existing homes on the other, will serve as a demonstration to the District of

Columbia as a whole of what can be done to revitalize and preserve individual neighborhoods. (Applicant's Detailed Statement; testimony of Frederick B. Abramson and Sherman J. Polley.)

5. The total square footage of the subject property is 7,040 square feet. NMCHDC's architectural plans for development of the property call for the subdivision of this square footage into four equal lots of 1,760 square feet each. Upon each lot NMCHDC plans to build four single family townhouse row dwellings, with each dwelling to contain three bedrooms, two baths, a living-room, a dining room and modern kitchen. Extensive use will be made of floor to ceiling glass to provide ample natural light. Each house will have front and rear yard space and off-street parking. The buildings' exteriors have been designed so as to be in harmony with the surrounding neighborhood. (Testimony of architect Ralph Powe; Applicant's Detailed Statement.)

6. Be subdividing the total square footage of the subject property into four equal lots, rather than into three, NMCHDC will realize the benefit of being able to erect an additional house as part of the project, thus more fully utilizing the available land to achieve the maximum amount of single family dwellings. The subdivision of the property into the four equal lots, however, will require the variance here applied for since each of the four lots will be 40 square feet less than the 1,800 square feet minimum lot area specified by Section 3301.1 of the Zoning Regulations. (Testimony of architect Ralph Powe.)

7. We find that the strict application of Section 3301.1's minimum lot area requirement in these circumstances would result in exceptional and undue hardship upon NMCHDC. The fact that the particular dimensions of this property come so close to producing four equal lots so nearly in compliance with the minimum lot area requirements, but would result in a great amount of unutilized land if subdivided into only three equal lots, is viewed by the Board as an exceptional situation related to the property. The necessary hardship to NMCHDC would arise from the detriment to its general objectives and to the particular objectives involved in this project to provide the utmost benefit to the public through the erection of the maximum number of new houses on the limited available land. (Testimony of Frederick B. Abramson, Sherman J. Polley and architect Ralph Powe.)

8. In view of the relatively small size of the amount of variance needed, only some 2.3 percent from the required amount, it is the further finding of the Board that the granting of this variance request is not likely to result in any substantial detriment to the public good or in any substantial impairment of the intent and purpose of the regulation involved. The four lots fully conform to the other R-4 District requirements relating to lot width minimum, lot occupancy, parking spaces and rear yard. (Testimony of architect Ralph Powe; January 29, 1974 report of Deputy Zoning Administrator.)

9. At the Public Hearing for this case there was no opposition registered to the granting of this application. The record contains the statements of several community residents and civic groups in support of the application. (Statements of George A Boyd, the Mt. Olivet Heights Citizens Association, Garrett Terrell and the Ivy City-Trinidad Citizens Association.)

CONCLUSIONS OF LAW:

The Board has authority to grant this variance under the Zoning Act of June 20, 1938 (52 stat. 797), as amended and the matter is properly before the Board for decision.

We are of the opinion that it has been shown that the strict application of Section 3301.1 of the Regulations would result in exceptional and undue hardship within the meaning of Section 8207 of the regulations.

We further hold that it has been established that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the zoning regulations and map.

ORDERED:

That the above application be GRANTED.


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VOTE: 3-0 (Messrs. Hatton & Scrivener not present, not voting.)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:

  
JAMES E. MILLER  
Secretary to the Board

FINAL DATE OF ORDER: MAY 14 1974

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.